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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK J. KEITEL, III et al.,

Plaintiffs,

21-CV-8537 (JMF)

-v-

THOMAS B. D'AGOSTINO, SR. et al.,

Defendants.

----- X

PLAINTIFFS' FREDERICK J. KEITEL, III'S MOTION TO ACCEPT FILING AS TIMELY

Plaintiff Frederick J. Keitel, III, pro se, ("Keitel"), respectfully file Plaintiff Frederick J. Keitel, III's Motion under the FRCP to Accept Plaintiff Frederick J. Keitel, III's Response to Memorandum Opinion and Order as Timely for the following reasons.

Plaintiff's response was due January 16, 2023, a federal holiday, including all courts closed, allowing a one day extension under the FRCP to file his Response to Memorandum Opinion and Order


However, due to computer problems, Keitel was unable to file yesterday, January 17, 2023, and it was too late to drop in first class mail to be postmarked, to the Clerk of Court, US District Court, Southern District, New York, because it would not have been postmarked until today, January 18, 2023.

Since plaintiff couldn't file the response electronically, plaintiff was afraid if it took more than three (3) days by mail, the Court wouldn't receive the response until Monday January 23, 2023, and the court may have ruled on its order.

Plaintiff requests that the court accept this motion as timely filed. This motion was filed for a delay, and there is no prejudice to any party.

Wherefore, plaintiff respectfully request this court accept the response as timely filed.

Submitted this 18th day of January 2023.


Frederick J. Keitel, III, pro se
P.O. Box 3243
Palm Beach, FL 33480
Ph: (561) 310-6864
Email: _____ om

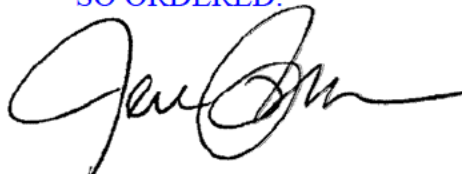
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 18th, 2023, I placed this motion in a Fedex, overnight delivery addressed to the Clerk of Court, US District Court, Southern District, New York, 40 Foley Street, New York, NY 10007, because I couldn't access CM/ECF to file the foregoing with the Clerk of Court by using CM/ECF system. I also certify that the foregoing documents are a true and correct copy of the foregoing documents were filed with the Clerk of Court and to all parties on the Service List via transmission of a notice of electronic filing generated by CM/ECF or through other approved means.

/s/Fredrick J. Keitel, III, pro se
Frederick J. Keitel, III

Although the Court would be on firm ground disregarding Mr. Keitel's untimely submission, it will entertain the submission given the nature of the issue. Defendants may, but are not required to, respond to Mr. Keitel's filing in their submission due on **February 7, 2023**. See ECF No. 108. (As a result, Defendants are granted an additional three pages for their submission, up to a maximum of ten.) Mr. Keitel is not permitted to file anything else with respect to the Court's Order to Show Cause absent prior leave of Court. The Clerk of Court is directed to terminate ECF No. 111.

SO ORDERED.


January 24, 2023